

REMARKS

Receipt of the Office Action of December 1, 2006 is gratefully acknowledged.

Claims 8 - 26 have been re-examined and rejected as unpatentable under 35 USC 103(a) over Shimura in view of Budike, Jr. And Mulokey et al.

The rejection is respectfully traversed.

Regrading this rejection several points must be considered. **First**, col. 4 lns 20 - 35 of Shimura do not, it is respectfully submitted, teach using sensors like sensors S1, S2, S3 of the invention. **Second**, col. 7, ln 25 to col. 8, ln 55 of Budike, Jr. does not, it is respectfully submitted, teach "calculating the costs to the end customer" as suggested. The master meter of Budike, Jr. As far as can be determined from a reading of the entire patent, does many things but cost calculation in the sense of the present invention does not appear to be one of them. The reference in col. 8, line 49 to "real time pricing" may be the reason for the examiner's statement that Budike, Jr. teaches "calculating the cost to the end customer." If so, it is, it is respectfully submitted, too broad a disclosure to provide the person skilled in the art with the necessary knowledge to calculate costs on the basis of the number of the transmission operations from a particular sensor. **Third**, the disclosures in the three cited references are too diverse to have any real meaning to the person skilled in the art of the invention claimed here. The suggested combination is therefore guided by the invention which is claimed here, and that is not permitted under 35 USC.

To further defined a distinction of the invention, new claims 27 - 29 have been added. Claim 27 defines the storage capability of the sensors, claim 28 defines the counting capability of the sensors, and claim 29 defines the counting capability of the process control system PLS. The recitations in new claims 27 - 29 are not, it is respectfully submitted, to be found in the combination noted above.

In view of the foregoing reconsideration and re-examination are respectfully requested and claims 8 - 29 now found allowable.

Respectfully submitted,



Felix J. D'Ambrosio
Reg. No. 25,721

Date: Feb. 28, 2007

Customer No. 23364
BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, VA 22314 - 1176
(703) 683-0500

S:\Producer\fjd\CLIENTS\Endress+Hauser Holding GmbH\DITT3001 - EH0423\Response February 28 2007.wpd